



Crl.O.P.(MD)No.1072 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1072 of 2025
and Crl.M.P(MD).No.722 of 2025

A.S.Kannan

: Petitioner

Vs.

1.State of Tamil nadu,
rep., by The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
Crime No.477 of 2016

2.Gnyanasekaran

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining in C.C.No.518 of 2016 for the offences under Sections 143, 145, 188, 285 and 341 of IPC on the file of the Judicial Magistrate Court II, Dindigul and quash as illegal.

For Petitioner : Mr.S.Harish

For R1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor



ORDER

The petitioner, who is arrayed as A2 in Crime No.477 of 2016 for the offences under Sections 143, 145, 341, 188 and 285 of IPC, had filed this quash petition.

2. The case against the petitioner is that on 06.04.2016 the petitioner, who is the member of DMK party and 21 others had involved in unlawful assemble led by A1 against the leader of Marumalarchi Dravida Munetra Kazhagam, who made controversial remarks against the petitioner's party President and burned the effigy. Hence, the case was registered against them.

3. The contention of the petitioner is that showing protest in democratic society is a fundamental right and there is no public restrained. The learned learned counsel appearing for the petitioner in support of his contention had relied upon the judgment reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other, in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.



WEB COPY

4. The learned Additional Public Prosecutor submitted that the defacto complainant, who is the Sub-Inspector of Police, while on patrol duty found that the petitioner, who is the member of DMK, along with other accused without any permission hold tharn headed by A1, who is Dindigul City Secretary, and burned effigy and thereby, caused disturbance to the public. Hence, case was registered against them in Crime No.477 of 2016 and after completing investigation, charge sheet filed and the same was taken on file as CC.No.518 of 2016 before the learned Judicial Magistrate NO.II, Dindigul, for the offences under Sections 143, 145, 341, 188 and 285 of IPC.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that showing protest by holding tharna is permissible, which cannot be construed and projected as illegal act. In this case, case projected is that the movement of the public was restrained to proceed further in the direction as they intended and movement of vehicle has been affected. No pubic had lodged complaint stating about the incident, in



Crl.O.P.(MD)No.1072 of 2025

such circumstances, claiming that the petitioner holding Dharna and caused public disturbance would not be proper. Accordingly, the proceedings in C.C.No.518 of 2016 on the file of the learned Judicial Magistrate No.II, Dindigul, is hereby quashed against the all accused and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

22.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

To

- 1.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1072 of 2025

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.1072 of 2025

22.01.2025